

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
BIOVAIL LABORATORIES)	
INTERNATIONAL SRL,)	
)	
Plaintiff,)	
)	C.A. Nos. 05-586 (GMS)
v.)	05-730 (GMS)
)	06-620 (GMS)
)	
ANDRX PHARMACEUTICALS, LLC and)	CONSOLIDATED
ANDRX CORPORATION,)	
)	
Defendants.)	
_____)	

ORDER

WHEREAS, the above-captioned case was originally assigned to the Honorable Kent A. Jordan ("Judge Jordan");

WHEREAS, on November 27, 2006, Andrx Pharmaceuticals, LLC and Andrx Corporation (collectively "Andrx") filed a Motion for Summary Judgment (D.I. 108);

WHEREAS, on December 4, 2006, Biovail filed a Motion for Extension of Time to File a Response/Reply (D.I. 112) to Andrx's summary judgment motion, which was fully briefed on December 15, 2006;

WHEREAS, according to the Local Rules, Biovail Laboratories International SRL's ("Biovail") response to the motion was due on December 14, 2006;

WHEREAS, Biovail did not respond to Andrx's summary judgment motion within the time period prescribed by the Local Rules;

WHEREAS, on December 8, 2006, Judge Jordan was confirmed by the United States Senate for a position on the United States Court of Appeals for the Third Circuit;

WHEREAS, as a result of Judge Jordan's appointment and confirmation, his caseload was reassigned to the remaining judges in this district;

WHEREAS, on December 18, 2006, Biovail filed a letter (D.I. 117) regarding its motion for extension of time, stating that it was advised by Judge Jordan's chambers to take up resolution of the motion with the judge to whom the case was reassigned;

WHEREAS, recently this Judge was advised that the case had been reassigned to him;

WHEREAS, Biovail has technically defaulted by not filing a response to Andrx's summary judgment motion; and

WHEREAS, the court has concluded that it will give Biovail the benefit of the doubt, due to the fact that the case was just reassigned to this Judge¹;

IT IS HEREBY ORDERED that:

1. Biovail's Motion for Extension of Time to File a Response/Reply (D.I. 112) is GRANTED.
2. Biovail shall file its responsive brief to Andrx's summary judgment motion on or before January 19, 2007.

Dated: December 21, 2006

/s/ Gregory M. Sleet
UNITED STATES DISTRICT JUDGE

¹ Should Biovail fail to meet a deadline in the future, the court will not be so forgiving.